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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,983	07/06/2000	Hiroyasu Sugano	21.1962	4791
21171	7590	10/06/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ENG, DAVID Y	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/610,983

**Applicant(s)**

SUGANO ET AL.

**Examiner**

DAVID Y. ENG

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Claim 14 has been cancelled. The active claims are 1-13 and 15-35.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-13 and 15-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Machida (USP 6,035,304) in view of Borg (USP 5,813,026).

With respect to claims 1 and 2, see at least Figures 4, 6, 16 and the description in lines 60-65 of column 12, lines 38-43 of column 14 and lines 12-13 of column 21 in Machida. Machida teaches a method (implemented by the system shown in Figure 4 of Machida) of displaying condition information (see the graphic displays shown in Figure 6 of Machida) which changes from time to time (displays in Figure 6 are shown changing) in a system (Figure 4) transmitting and receiving the condition information from terminals (inherent) connected to a network (network 68 in Fig. 4) and displaying the condition information using a display unit (Figure 6), the system performing a process comprising:

storing a reference time (freshness is inherently a function of time starting from a reference) for determining a freshness of the condition information in a terminal which receives the condition information from other terminals through the network;

determining the freshness of the condition information based on an elapsed time from said reference time (See lines 38-43 of column 14 in Machida. The freshness is **calculated** from two operands, namely, from a reference time to an elapsed time).

In Machida, the freshness information (280 Figure 16) as calculated reflects how fresh the information is. Certainly, a user is able to observe at a glance the freshness of

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the condition by reading the freshness information as calculated, namely, the absolute elapsed time. Machida does not teach determining a display mode displaying the condition information depending on the freshness of the condition information (as time elapsed the faces show more unhappy). However, Borg teaches determining display mode. See Figure 6 and lines 41-60 of column 8 in Borg. More specifically, see lines 49-50 of column 8. Borg teaches determining a display mode for displaying a happy face or positive symbol when a happy tune is playing. In other words, Borg teaches associating happy or sad faces with happy or sad tune being currently played. From the teaching of Borg, it would have been obvious to a person of ordinary skill in the art to associate happy or angry faces dependent on the amount of time elapsed. The combination of Machida and Borg therefore meets the limitation of:

determining a display mode displaying the condition information depending on the freshness of the condition information, wherein the display unit displays the display mode of the condition information and a user can observe at a glance the freshness of the condition information.

Claims 1-2 are narrower than claims 3-13 and 15-35 and are therefore subset of claims 3-13 and 15-35. Claims 3-13 and 15-35 are therefore are rejected for the same reasons set forth above.

Claim 32 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Borg.

Claim 32 is rejected under 35 U.S.C. 102(a) as being clearly anticipated by Machida.

Response to Applicants' remarks has been incorporated in the details of the rejection above.

As to the section 102 Rejection, there is no response from Applicants.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to DAVID Y. ENG at telephone number 703-305-9691.



DAVID Y. ENG  
PRIMARY EXAMINER